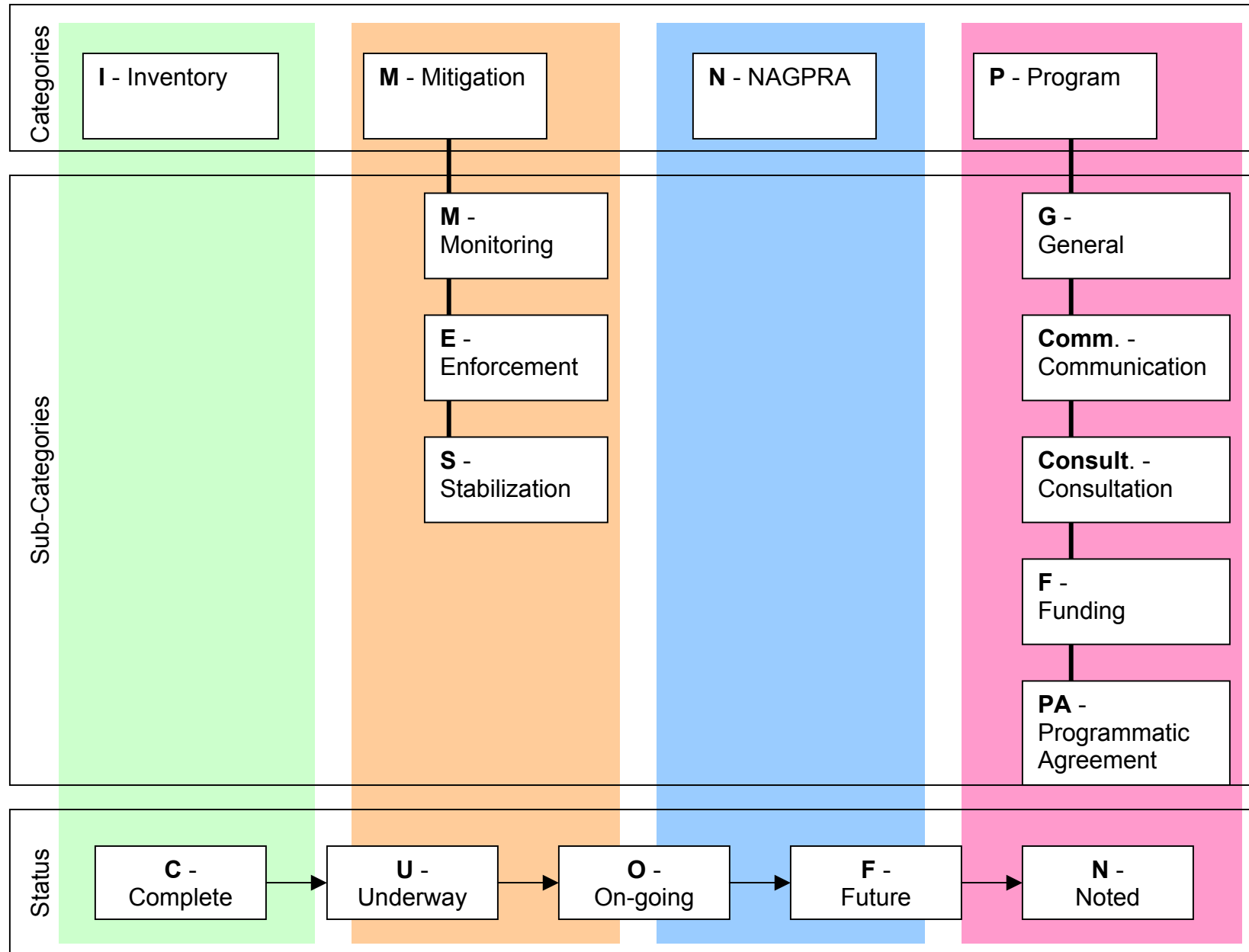


Cultural Resources Task Force Meeting
Suggestions for Subjects, Sites and Ways of Doing Things for Future Cultural Resource Programs of USACE in the Missouri River Basin



Category ¹	Sub-Cat. ²	Feedback Item	Action	Status ³
I		Recognize tribal caution in disclosure of rites, sites, rituals and personal meanings of the cultural heritages.	Noted	C
I		Gestures for trust between USACE and tribes should include completion of the full inventory cultural sites.	Cultural Resource Management Plans	F
I		Complete the White Swan national registry evaluation.	Included in Cultural Resource Program	F
I		Undertake immediately a both-shore mutual (USACE and tribes) Missouri River site identification inventory of all cultural sites.	Cultural Resource Management Plans	U
I		Comprehensive cultural site inventory completion	Cultural Resource Management Plans	U
M	E	Suggest a possible August 6-7, 2002 meeting agenda expansion to include cultural site monitoring and enforcement.	Working Group Meeting	C
M	E	Clarify arrest authority on USACE lands.	Working Group Meeting	C
M	E	USACE coordinating liaison with county government and tribes is essential for site protection enforcement.	CR Enforcement Plan/MOA	U
M	E	Clarify jurisdictions and coordinated roles among agencies to assure firm federal enforcement of site protection.	CR Enforcement Plan/MOA	U
M	E	Find a solution to the lack of USACE arrest authority. Possible arrest authority placement could be with the BIA, Fish and Wildlife Service or the FBI.	CR Enforcement Plan/MOA	U
M	E	Link enforcement to monitoring.	CR Enforcement Plan/MOA	U
M	E	Address tribal reporting procedure for looting incidents to USACE.	CR Enforcement Plan/MOA	U
M	E	Develop an agreement with U.S. Park Service, which is alleged to be cooperating and protecting looters.	CR Enforcement Plan/MOA	U
M	E	Address looter hot pursuit coordination procedure.	CR Enforcement Plan/MOA	U
M	E	Address the assurance of agency coverage service for looting reporting on Saturdays.	CR Enforcement Plan/MOA	U
M	E	Address enforcement jurisdiction on transferred lands (to the state).	CR Enforcement Plan/MOA	U
M	E	Develop a cross-deputization agreement for enforcement effectiveness.	CR Enforcement Plan/MOA	U
M	E	Provide for joint enforcement officer training.	CR Enforcement Plan/MOA	U
M	E	Address tribal contact options and procedures.	CR Enforcement Plan/MOA	U
M	E	Address recognized points of accountability for enforcement cases, to meet the tribal need to know the follow-through on enforcement cases.	CR Enforcement Plan/MOA	U
M	E	Provide for a single enforcement reporting 1-800-number.	CR Enforcement Plan/MOA	U
M	E	or reporting back to the tribes regarding enforcement follow-up on criminal incidents.	CR Enforcement Plan/MOA	U
M	E	Address the regular notification and updates to tribes of river enforcement case disposition procedure.	CR Enforcement Plan/MOA	U

¹ Categories include: I-Inventory; M-Mitigation; N-NAGPRA; P-Program

² Sub-Categories include: E-Enforcement; M-Monitoring; S-Stabilization; Comm-Communication; Consult-Consultation; F-Funding; G-General; PA-Programmatic Agreement

³ Status includes: U-Underway; C-Complete; F-Future; O-Ongoing; N-Noted

Category ¹	Sub-Cat. ²	Feedback Item	Action	Status ³
M	E	Address procedures for exchanging information between law-enforcement agencies, including tribal, BIA, Park Service agencies.	CR Enforcement Plan/MOA	U
M	M	Train tribal people for the most effective monitoring and enforcement tasks for preserving cultural sites.	CR Monitoring Plan	U
M	M	Recognize the threat of looters coming with the Lewis and Clark centennial tourist influx and provide help to tribes to protect cultural sites.	CR Monitoring Plan	U
M	M	There is a need for monitoring of USACE personnel who loot sites.	CR Monitoring Plan	U
M	M	Address the use of tribal personnel (who are more sensitive and knowledgeable) in the USACE monitoring role, in a cooperative relationship with USACE. (Tribes still need the assistance of the Corps for monitoring.)	CR Monitoring Plan	U
M	M	Recognize the benefit of tribal monitoring inputs for dealing with encroachments and erosion identification procedures.	CR Monitoring Plan	U
M	M	Address the general and continuing funding for the monitoring and enforcement process.	CR Monitoring Plan	U
M	M	Monitoring of cultural sites	CR Monitoring Plan	U
M	S	Protect non-Indian lands and Indian lands equally.	Noted	C
M	S	Cultural site stabilization process	Site specific plans and specifications	U
M	S	Protect all remaining cultural sites.	Stabilization Priority List (2/00)	U
M	S	Protect and preserve all significant sites.	Stabilization Priority List (2/00)	U
M	S	Address bank stabilization (rip rap) to protect cultural sites on tribal lands.	Stabilization Priority List (2/00)	U
N		Clarify the procedure and protocol for handling "inadvertent discoveries."	See NDIRC MOA	C
N		Human remains procedures (Suggestion to adopt or adapt the NDIRC MOA/MOU with the USACE Omaha District);	NAGPRA MOA	F
N		Address the discovered human remains procedure in the circumstance when the tribal affiliation identity is uncertain.	NAGPRA MOA	F
N		Address the procedure for the selection of the location for reburial of human remains.	NAGPRA MOA	F
N		Recognize a single grave or cemetery as a sacred site, even if not included in section 106.	NAGPRA MOA	F
N		Establish a clear protocol in advance of contacting tribes for dealing with a site, including adequate advance notice of visits (differing for regular situations and emergency situations) and in advance of any tribal consultation. Apply a "no surprise" policy.	NAGPRA MOA	F
N		All tribes want to be contacted if a grave is discovered.	NAGPRA MOA	O
N		Clarify the Fort Randal cemetery situation.	In consultation	U
P	Comm	Communicate all meeting summaries by mail and electronic copy to those with e-mail addresses.	Cultural Resources POC List	U

Category ¹	Sub-Cat. ²	Feedback Item	Action	Status ³
P	Comm.	Prepare and use a master mailing and telephone list for all cultural resource constituencies.	Cultural Resources POC List	C
P	Comm.	Develop a complete mechanism for providing notice of meetings and proposals to tribes.	Cultural Resources POC List	C
P	Comm.	Tribal silence toward USACE meeting invitations should generate USACE renewed communication efforts with telephone callbacks.	Noted	C
P	Comm.	Link effectively anything done within the cultural resources program to the USACE tribal liaison program.	Noted	C
P	Comm.	Improve notice and communication with tribal representatives to include sending of meeting summaries and attendee lists to all tribes, earlier notice of meetings and notice to more tribal representatives (Game and Fish and cultural preservation officials) than tribal chairs to assure effective communication and meeting attendance	Cultural Resources POC List	U
P	Comm.	Similar meeting notice and communication problems are faced by non-tribal cultural resource constituencies, i.e. SHPOs.	Cultural Resources POC List	U
P	Comm.	Clarify the conference call notice process and procedures.	Cultural Resources POC List	U
P	Comm.	Accurate and prompt recording and reporting of meetings is essential for building trust.	Ongoing. Website, meeting distribution list	U
P	Comm.	Bring all working group reports back to the larger group (in order to provide continuity over time).	Ongoing. Website, meeting distribution list	U
P	F	Strengthen USACE funding for tribal archeological offices.	Noted	C
P	F	There is a problem of high administrative costs in appropriated funding for cultural site programs.	Noted	C
P	F	Consider tithing for the salaries of all USACE employees for cultural resource site preservation programs.	Noted	C
P	F	Provide a forum for tribes to meet with WAPA about cultural site preservation.	Noted	C
P	F	Reconsider and reject cost-share programs for tribes with in USACE programs.	Noted	C
P	F	Recognize that agreements need real cooperation and funding for successful implementation.	Noted	C
P	F	Funding is important to implementation.	Noted	C
P	F	Address funding for implementation of cultural resource projects.	Noted	C
P	F	Address funding of these important meeting processes for the USACE Cultural Resources Program.	Noted	C
P	F	A slush fund is needed to address cultural resource issues that is permanent and constant, up to \$25 million.	Needs Congressional action	F
P	F	Plan long-term funding. Two-year funding cycles are inadequate for site preservation programs.	Needs Congressional action	F
P	F	Organize mechanisms and funding (set aside funds) to deal with emergency cultural site situations (i.e. fluctuating water levels that expose or erode sites).	Needs Congressional action	F
P	F	Provide for a negotiated funding mechanism, through a Memorandum of Agreement, for funding of monitoring and enforcement consultation meetings.	Needs Congressional action	F

Category ¹	Sub-Cat. ²	Feedback Item	Action	Status ³
P	F	Provide for input to the 2003 and 2005 federal budgets for USACE cultural resource programs.	PA, Annual meeting	U
P	F	WAPA should provide funding for cultural resources programs.	Under discussion	U
P	F	Consider the Bonneville Dam as a model for a WAPA approach to supporting cultural site preservation.	Under discussion	U
P	F	Seek WAPA funding of cultural site preservation programs.	Under discussion	U
P	G	Accelerate the completion of the Title VI lands survey consultation.	Noted	C
P	G	Recognize the tribal fear of further tribal losses in informal conversation processes that are misused.	Noted	C
P	G	Clarify that the USACE cultural resources programs are conceptualized for the entire Missouri River basin.	Noted	C
P	G	Fear by tribes of faith betrayal, based on past experience.	Noted	C
P	G	Danger of heartbreak.	Noted	C
P	G	Affiliated Tribes have interests in sites in South Dakota.	Noted	C
P	G	Understand the benefits of designating Indians as endangered species, for protection of their nesting areas, flyways and habitat.	Noted	C
P	G	Recognize the legacy of lack of trust between USACE and tribes.	Noted	C
P	G	Recognize the technique of inducing "contract competition" among tribes for funds, which is divisive.	Noted	C
P	G	Four major priorities were identified that should be blended for programmatic funding by the Cultural Resources Program	Noted	C
P	G	Clarify whether burial sites will be treated as Section 106 sites.	Section 106 criteria	C
P	PA	Clarify "trust responsibility" as it applies to cultural resource programs.	PA, Undertaking	U
P	PA	Set clear time schedules for program results.	PA, Annual meeting	U
P	PA	Clarify standard timelines and limits for periodic USACE reporting (4-6 months), especially to tribal councils regarding cultural resource program progress.	PA, Annual meeting	U
P	PA	Clarify the role of the states in the USACE cultural resource program in order to avoid serial fights over the same issue.	Section 106	U
P	PA	Communicate effectively with USACE cultural liaison officers to customize any consultation to meet the standards of each tribal culture.	PA, Consultation	U
P	PA	Clarify the decision role of any working groups in the USACE decision processes so there is no misunderstanding.	PA, Consultation	U
P	PA	Clarify the difference between formal consultation and informal information gathering processes.	PA, Consultation	U
P	PA	Clearly separate any working group role from customized, formal tribal consultation processes. Use written confirmation and clarification to avoid misunderstandings.	PA, Consultation	U
P	PA	Customize the formal tribal consultation process with each tribe.	PA, Consultation	U
P	PA	Clarify the USACE meaning of "consultation."	PA, Consultation	U

Category ¹	Sub-Cat. ²	Feedback Item	Action	Status ³
P	PA	Clarify a mutual USACE/tribal protocol for “consultation” so that anything else is not misinterpreted as consultation. Use draft Department of Defense guidelines as a starting point for developing such a protocol for an effective, mutual consultation process. This will avoid past misunderstandings.	PA, Consultation	U
P	PA	Recognize the potential benefits of a Memorandum of Understanding or Memorandum of Agreement between tribes and USACE, which can remove the fussing over procedural issues and focus funds and efforts on practical results. Use the existing NDIRC MOU for remains disposition as a model.	PA, Consultation	U
P	PA	Clarify in writing what USACE understands as “consultation.”	PA, Consultation	U
P	PA	Assure opportunities for tribal involvement in discussion and planning for cultural resource site preservation.	PA, Consultation	U
P	PA	Tribal input is essential for assuring that funding is applied to priority cultural resource issues.	PA, Consultation	U
P	PA	Provide procedures for input from non-tribal constituencies.	PA, Consultation	U
P	PA	Address USACE interaction with other Federal agencies (e.g. BIA).	PA, Consultation	U
P	PA	Develop reciprocal USACE/tribal staff visits and exchanges.	PA, Consultation	U
P	PA	Develop an accountability mechanism for assuring the credibility among tribes for USACE actions (i.e. perhaps through the BIA).	PA	U
P	PA	Recognize that practical follow-through and results are essential for building trust with tribes.	PA, Annual meeting	U
P	PA	Maintain a mechanism for an ongoing discussion process to assure the mutual benefits of the Programmatic Agreement for the tribes and USACE and to avoid the problems with the 1993 Programmatic Agreement.	PA, Annual meeting	U
P	PA	The Programmatic Agreement should be customized for particular areas of the Missouri River.	PA, APE	U
P	PA	Determine if it will be mutually beneficial to have one agreement for all tribes or 27 agreements (one for each tribe) or six agreements (one for each reservoir area).	PA, APE	U
P	PA	Define jurisdictional issues, so that final authority is clarified.	PA, APE	U
P	PA	Governance within any working groups needs clarification and should be democratic.	PA, Consultation	U
P	PA	There is a role for both large group and small group meeting formats in developing good relationships.	PA, Consultation	U
P	PA	Participation in working groups should be self-selecting and voluntary by tribal participants.	PA, Consultation	U
P	PA	Work in this meeting in a whole group, not breakout groups, on June 21.	PA, Consultation	U
P	PA	Respect delayed reflective thinking and summarization by tribal representatives.	PA, Consultation	U
P	PA	Recognize that each tribe is at a different level of thinking regarding cultural resources and necessary processes for their protection.	PA, Consultation	U
P	PA	Define a framework for communications regarding cultural resources.	PA, Consultation	U
P	PA	Identify the problems with 1993 Programmatic Agreement.	PA, Consultation	U
P	PA	Address access to USACE procedures.	PA, Consultation	U
P	PA	Address right-of-way to USACE land procedures.	PA, Consultation	U

Category ¹	Sub-Cat. ²	Feedback Item	Action	Status ³
P	PA	Customize the tribal contact procedure to meet the needs of individual tribes.	PA, Consultation	U
P	PA	Provide for contact procedures for all tribes.	PA, Consultation	U
P	PA	Include shared inter-tribal assistance procedures.	PA, Consultation	U
P	PA	Be sensitive to the differences in each tribe's procedures.	PA, Consultation	U
P	PA	Include cultural resource management plans in the Programmatic Agreement.	PA, CRMP	U
P	PA	Include a dispute resolution process within the Programmatic Agreement.	PA, Dispute Resolution	U
P	PA	Address general public education about cultural resources.	PA, Education/Training	U
P	PA	How are we going to fund the implementation of the PA?	PA, Funding	U
P	PA	Include site survey procedures.	PA, Inventory	U
P	PA	Address special priority cultural site stabilization projects as identified by tribes.	PA, Mitigation	U
P	PA	Address vandalism procedures.	PA, Monitoring and Enforcement	U
P	PA	Provide for customized site-monitoring procedures to address erosion problems.	PA, Monitoring and Enforcement	U
P	PA	Add a prescribed burn procedure to protect cultural sites.	PA, Other	U
P	PA	How are the tribes to operate inside this Programmatic Agreement	PA, Responsibilities	U
P	PA	Address the procedure for termination of the agreement.	PA, Termination	U
P	PA	Customize the Programmatic Agreement for individual tribes.	PA, Tribal MOA	U
P	PA	Avoid the use or interpretation of any meetings as signifying (false) concurrence by tribes in subsequent USACE decisions. Avoid later USACE claims of any meeting as a "consultation" when it was not clearly agreed as a consultation at the time of the meeting.	PA, Undertaking	U
P	PA	Describe clearly how much of the Missouri Basin is included in the cultural resources program.	PA, Undertaking	U
P	PA	The 1993 Programmatic Agreement needs to be revised to include the tribes.	PA, Undertaking	U
P	PA	The 1993 Programmatic Agreement looks like it is designed to protect the Nation as a whole and not Indian People.	PA, Undertaking	U
P	PA	Should the Programmatic Agreement include general or detailed provisions?	PA, Undertaking	U
P	PA	Water pool levels to protect burial sites; and	PA, Undertaking	U
P	PA	Endangered species procedures?	PA, Undertaking	U
P	PA	Describe the relationship of the Programmatic Agreement to the Master Manual.	PA, Undertaking	U
P	PA	Address the ownership of the cultural sites.	PA, Undertaking	U
P	PA	Recognize the difficulty for tribes in deal with the problem of turnover of USACE personnel and USACE policy changes when combined with the lack of specific results of USACE cultural resource programs.	PA	U
P	T	Organize training for tribal members for the most effective monitoring, preservation and interpretation of cultural sites.	Future	F
P	T	Provide for ethno-botanical and ethno-archeological education programs for tribal members: Linked with college credits; Developed in working relationships with colleges; and Developed in cooperative programs between colleges.	Future	F
P	T	Explore tribe-to-tribe training on cultural resources programs.	Future	F

Category ¹	Sub-Cat. ²	Feedback Item	Action	Status ³
P	T	Develop a para-professional cultural resources program.	Future	F
P	T	Exercise honesty and humility in dealings with tribes.	American Indian Cultural Communications Course Phase I&II, Phase I complete, Phase II in development	U
P	T	Recognize cultural incompetence and insensitivity.	American Indian Cultural Communications Course Phase I&II, Phase I complete, Phase II in development	U
P	T	Recognize the effect of the almighty dollar value over spiritual values in this culture.	American Indian Cultural Communications Course Phase I&II, Phase I complete, Phase II in development	U
P	T	Listen carefully to tribes.	American Indian Cultural Communications Course Phase I&II, Phase I complete, Phase II in development	U
P	T	Honor authority, particularly spiritual authorities.	American Indian Cultural Communications Course Phase I&II, Phase I complete, Phase II in development	U
P	T	There is a need for careful trust-building process steps between USACE and tribes.	American Indian Cultural Communications Course Phase I&II, Phase I complete, Phase II in development	U
P	T	Institute cultural awareness training programs for USACE staff (with special emphasis on respect).	American Indian Cultural Communications Course Phase I&II, Phase I complete, Phase II in development	U
P	T	Recognize the reality of cultural insensitivity, cultural blindness, misused cultural pre-competence, cultural incompetence and misuse of cultural interpretation.	American Indian Cultural Communications Course Phase I&II, Phase I complete, Phase II in development	U

Category ¹	Sub-Cat. ²	Feedback Item	Action	Status ³
P	T	Establish an oppression awareness education program for USACE staff.	American Indian Cultural Communications Course Phase I&II, Phase I complete, Phase II in development	U
P	T	The importance of USACE development of cultural sensitivity.	American Indian Cultural Communications Course Phase I&II, Phase I complete, Phase II in development	U
P	T	Cultural awareness training (including cultural and spiritual values) for USACE and Cultural Resource Program personnel	American Indian Cultural Communications Course Phase I&II, Phase I complete, Phase II in development	U
P	T	There is substantial confusion over USACE cultural resource programs.	Interpretive Services/Public Education Project (see program project listing)	U
P	T	Clarify the relationship of cultural resources to Title IV.	Interpretive Services/Public Education Project (see program project listing)	U
P	T	Address public education.	Interpretive Services/Public Education Project (see program project listing)	U